

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IRWIN JACOBOWITZ and PEARL H.
JACOBOWITZ,

Plaintiffs,

v.

M & T MORTGAGE CORPORATION, ET
AL.,

Defendants.

CIVIL ACTION NO. 3:08-CV-1354

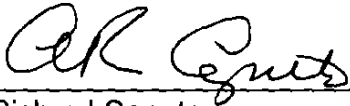
(JUDGE CAPUTO)

MEMORANDUM ORDER

Appellants have filed a Motion for Reconsideration of November 21, 2008 Order, Reopening of Case, and Enlargement of Time. (Doc. 9.) In support, the motion asserts that they were jailed on October 17, 2008. The attachments to the motion establish that they were released on October 18, 2008. The motion asserts that during October, 2008, they had to attend court for their arraignments and to have custody of their children returned to them. The attachments to the motion reflect that the Care and Protection Case was dismissed on October 22, 2008. This Court did not dismiss the matter for failure to comply with Rule 8009(a) of the Federal Rules of Bankruptcy Procedure until November 21, 2008. Appellants could have acted before November 21, 2008 to comply with Rule 8009(a) or sought an extension within which to comply. Further, they could have sought the same relief prior to December 10, 2008.

NOW, THEREFORE, IT IS HEREBY ORDERED that Plaintiff's Motion For Reconsideration of November 21, 2008 Order, Reopening of Case, and Enlargement of Time (Doc. 9) is **DENIED**.

Date: December 11, 2008


A. Richard Caputo
United States District Judge